

Remarks/Arguments

All claim amendments presented here either cancel claims or comply with express requirements of form set forth in the Final Action.

It is first noted for clarity that claim 6, which is deemed “allowable if rewritten to ... include all the limitations of the base claim ...” has been so rewritten by combining claim 6 with its base claim (claim 1) as amended claim 1, and further amended to comply with requirements of form as outlined below.

Allowed Claims

Claims 14-18, 43-46 and 48-50, which are each allowed, are presented in the claim listing without further amendment except (a) the claim 49 misspelling of “volatilizing” noted in the Action has been corrected, (b) the claim 17 misspelling of “continuous” has been corrected, and (c) the inconsistent preambles noted in the Action of claims 43-46 and 48 (all dependent on allowed claim 14) have been corrected to read “self-protecting barrier” as in claim 14.

Allowable-If Claims

Claim 6, which as mentioned above has been rewritten by incorporation into claim 1 (specifically at lines 12-13 of claim 1, tying it with the “filling of the volumetric capacity” limitation of claim 1), is therefore claim 1 in the claim listing. This claim 1 has also been amended to comply with express requirements of form as to Section 112 rejections (Action par. 6, pages 4-6) by (a) deleting “substantially unburned” in line 3, (b) adding “said fire-retardant barrier” in line 5 so that it is clear that the structure with pockets is the barrier and not the first fabric alone, (c) deleting “hydrated” as to the superabsorbent in lines 8 and 12, (d) deleting all affirmative limitations regarding temperature and fire, namely line 11, and from “a fire” at line 14 to the end of the claim.

Additional claim 1 amendments of form are the addition of “and” at line 10 and change of “filling” to “fills” in line 14 for grammatical purposes.

Regarding dependent claims 2-5, since claim 1 is the rewritten version of the allowable-if-rewritten claim 6, and since claims 2-5 are all dependent on claim 1, these claims have been left in the claim listing since the Section 103(a) rejection of the base claim 1 would not apply. In other words, because claim 1 is not the Section 103(a)-rejected claim 1 but the rewritten version of allowable claim 6, claims 2-5 now all directly depend from an allowable claim. Further, no objections or Section 112 rejections were raised against claims 2-5 in the Action except those against their base claim 1 which have been corrected as described above.

Claims 10 and 11, both previously dependent on claim 1, have both been deemed allowable if rewritten to overcome Section 112 rejections and to include limitations of base/intervening claims. In compliance with all requirements of form in the Action, claims 10 and 11 have both been rewritten in independent form, incorporating in their new lines 3-12 all limitations of amended (corrected as to form) claim 1, except the limitations incorporated into claim 1 from claim 6 (“... substantially continuous matrix ...”). Both claims 10 and 11 retain their original limitations of second barriers and means or fasteners for fastening together. Claims 10 and 11 have also both been amended by deleting the references to claim 1 and further using the “self-protecting barrier system” preambles like claim 1 to avoid any further inadvertent introduction of preamble inconsistencies.

Claims 12 and 13, both dependent on claim 1, have both been deemed allowable if rewritten to overcome Section 112 rejections and to include limitations of

base/intervening claims. Claims 12 and 13 were both rejected under Section 112 regarding the affirmative recitations of a building and first layer of steam. In compliance with requirements of form in the Action, building and steam layer affirmative recitations have been removed from both claims, and “capable of fastening said fire retardant barrier to a building” limitation suggested by the examiner is used instead. Further, since claim 1 is now the rewritten version of the allowed-if-rewritten claim 6, both claims 12 and 13 have been left dependent on claim 1, obviating any need to determine whether or not on the merits claims 12 and 13 remain themselves allowable if rewritten with base/intervening claim limitations. The preambles of both have been amended to “self-protecting barrier system” to be consistent with claim 1 as required in the Action.

As to claims 19 and 20 (dependent on claim 10) and claims 25 and 26 (dependent on claim 11), all of which have been deemed allowable if rewritten to overcome Section 112 rejections and to include limitations of base/intervening claims, all have been left with their dependencies unchanged because their respective base claims 10 and 11 have both been rewritten in independent form with other corrective amendments described above, and therefore base claims 10 and 11 are believed allowable. Further, the preambles of each of claims 19, 20, 25 and 26 have been amended to “self-protecting barrier system” to be consistent with their respective base claims, either claim 10 or claim 11, and the spellings of “hydrophilic” in claims 19 and 20 have been corrected, which amendments are believed to comply with all requirements of form and overcome all objections and Section 112 rejections.

As to claims 31 and 32 (dependent on claim 12) and claims 37 and 38 (dependent on claim 13), all of which have been deemed allowable if rewritten to overcome Section

112 rejections and to include limitations of base/intervening claims, all have been left with their dependencies unchanged because intervening claims 12 and 13 are both now dependent on the rewritten and corrected claim 1 (which incorporates the limitations of allowable-if-rewritten claim 6). Further, the preambles of each of claims 31, 32, 37 and 38 have been amended to “self-protecting barrier system” to be consistent with their respective intervening claims 12 and 13, and their base claim 1. Since intervening claims 12 and 13 are believed allowable, and since claims 31, 32, 37 and 38 were deemed allowable if rewritten, it is believed that since claims 31, 32, 37 and 38 as amended to overcome objections and Section 112 rejections are in compliance with requirements of form and are allowable.

Canceled Claims

Claim 6, which is rewritten by incorporation into claim 1, is canceled as shown in the claim listing.

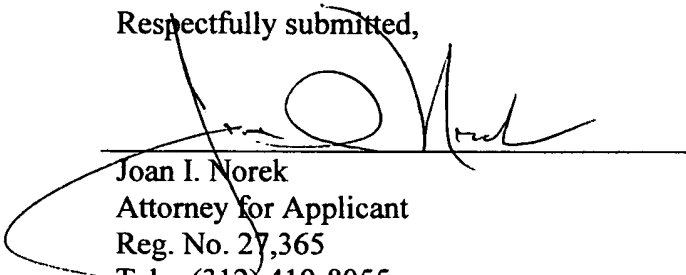
Claims 7-9 and 51, each rejected under Section 112, first paragraph (Action par. 4, page 3), are canceled without prejudice.

Claims 21-24, 27-30, 33-36, 39-42 and 47 were previously canceled, and are shown canceled in the claim listing.

The applicant believes that the above claim amendments comply with all express requirements to form and place claims 1-7, 8-20, 25, 26, 31, 32, 37, 38, 43-46, and 48-50 in condition for allowance, and the remaining claims, namely claims 21-24, 27-30, 33-36, 39-42, 47 and 51 are canceled.

Therefore entry of the above amendments and a timely notice of allowance of all claims remaining in this application after entry of the above amendments is respectfully requested.

Respectfully submitted,



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